

Council Chambers, City Council.
City Hall - City of Lodi
Monday, October 7th., 1929.

This regular meeting of the City Council of the City of Lodi was called to order by the Mayor at 8 o'clock P.M. at the place and on the date first above written, Councilmen Hale, Roach, Shattuck, Weihe and Spooner present, none absent.

The minutes of the last regular meeting held September 16th., 1929 were read, approved as read and so endorsed by the Mayor.

Rev. H. A. Shuder of the First Congregational Church addressed the Council regarding the organization of a community center to further the efforts of the Americanization Department of the Lodi Union High School suggesting that the City contribute the use of the lower floor of the old City Hall and also make some small expenditures in fitting it up for this purpose. The proposition meeting with the unanimous approval of the Council, it was regularly moved and carried that the Americanization Center be allowed the use of this floor of the building and that the Street Superintendent take out the old partitions and store them in the basement of the new City Hall.

In the matter of the reception of sealed bids for the making of test excavations ; the Clerk reported no bids received and on motion of Councilman Shattuck, the following resolution was adopted :-

RESOLUTION NO. 596

WHEREAS, as directed by this City Council at a regular meeting held September 3rd., 1929, publication was had of a notice inviting sealed bids or proposals for the making of certain test excavations at the dam-site of the proposed hydro-electric development on the Mokelumne River above the town of Lancha Plana as is evidenced by the affidavit of the principal Clerk of the publishers of The Lodi Sentinel now on file in the office of the City Clerk, a copy of said notice being attached hereto and made a part hereof;

AND, WHEREAS this being the date set in said notice for the reception, opening and canvassing of the sealed proposals called for therein and no proposals therefore have been received;

BE IT RESOLVED, that this, the City Council of the City of Lodi hereby finds that the publication of said notice was had in time, form and manner as required by law and ordinance; that the specifications therefore were properly and legally drawn and adopted and that no proposals for doing the work were received up to the hour of 7 o'clock P.M. of Monday, October 7th., 1929;

BE IT ALSO RESOLVED, that this, the City Council of the City of Lodi, hereby declares and determines that this work can be performed more economically by day labor and the supplies therefore purchased in the open market than otherwise would be the case should re-advertisement be had.

RESOLVED, ALSO, that the City Engineer of this City and Mr N.A. Eckart, Consulting Engineer employed by this City be, and they are hereby instructed to proceed with the making of the excavations called for in the specifications for the work as heretofore adopted and they are herein authorized and directed to procure the necessary supplies and hire the labor necessary to make and complete the excavations contemplated.

J. W. SHATTUCK, Councilman

The foregoing Resolution No. 596 was thereupon adopted by the following vote:-

AYES, Councilmen, Shattuck, Roach, Hale, Weihe & Spooner.
NOES, Councilmen, None. ABSENT, Councilmen, None.

At the suggestion of City Attorney Glenn West and on motion of Councilman Shattuck the following Resolution was introduced and adopted:-

- RESOLUTION NO. 597 -

WHEREAS, the City of Lodi contemplates sinking certain test holes and doing certain exploration work at and on its proposed power plant site on the Mokelumne River and for that purpose has adopted plans and specifications and has advertised for bids for doing said work;

NOW THEREFORE, BE IT RESOLVED, that Clinton Henning of Lodi, California, be and he is hereby appointed as Inspector for said City to see that said work is properly done, to inspect the same and to report thereon to the City Council of said City; said Clinton Henning is so appointed as assistant to the City Engineer of the City of Lodi;

This resolution is made upon the condition that said Clinton Henning shall perform said work without making any charge therefore as against said City.

The foregoing Resolution No. 597 was thereupon adopted by the following vote :-

AYES: Councilmen, Shattuck, Roach, Hale, Weihe & Spooner.
NOES: Councilmen, None. ABSENT, None.

Reports from the Chief of Police and from the City Poundmaster were received, read and ordered filed.

The Quarterly reports of the City Treasurer and the City Clerk for the quarter ended September 30th., 1929 were also received, read and ordered filed.

The City Clerk presented his annual report and on motion of Councilman Roach, Shattuck second, the same was ordered printed as required by law.

The Quarterly Report of the Chief and Secretary of the Lodi Volunteer Fire Department was also received at this time and ordered to the files.

A letter was received from Mr Chas. T. Freshour in which he proposed to take full care of Lawrence Park for the sum of \$135.00 monthly providing certain changes were made in the sprinkling system of the park as proposed in a plan prepared by City Engineer L.F. Barzellotti. On motion of Councilman Weihe, Shattuck second, the proposal was accepted and the Superintendent of Public Utilities instructed to make the additions to the sprinkling system.

Councilman Weihe asked the intentions of the Council as to the erection of a comfort house and lighting the tennis courts in this park. The matter was discussed at length, it appearing that Mr J.A. Henning, Superintendent of Public Utilities had the lighting proposition in hand and was obtaining plans and other data.

The matter of auto parks or camp grounds within the City was again discussed and on motion of Councilman Roach, Shattuck, second, the City Attorney was instructed to prepare an ordinance embodying an annual license and a provision for protest on the part of affected residents.

On application of the City Clerk, he was authorized to prepare specifications and advertise for proposals for the furnishing of an improved mailing machine for his office so that assessment rolls and tax bills could be prepared thereon.

Five building permits totalling \$28,450.00 were granted.

Bills in the amount of \$10,655.11 as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Weihe, Roach second. *Not including \$250.00 issued under Resolution No. 601*

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On motion of Councilman Weihe, Roach second, Mr J.G.Hurrie was appointed water inspector at a salary of \$150.00 per month for one month.

City Attorney Glenn West stated that Mr Stephen E. Kieffer was no more interested in the Arroyo Seco project and that his name should be dropped as defendant from suits of the City versus certain appropriative applicants on the Mokelumne River. He was authorized and directed to dismiss suits against Mr Kieffer by adoption of the following:-

RESOLUTION NO. 598

WHEREAS, the City of Lodi has brought and there is now pending in action in the Superior Court of the State of California in and for the County of San Joaquin, against East Bay Municipal Utility District, a corporation, and others, which action is numbered 22,415; and,

WHEREAS, Mr Stephen E. Kieffer is a party defendant in said action; and,

WHEREAS, it appears that applications of said Stephen E. Kieffer filed with California Division of Water rights to divert waters from the Mokelumne River have been dismissed and it does not appear that there is any further necessity of continuing said action as against said Kieffer;

NOW THEREFORE, BE IT HEREBY RESOLVED, that Glenn West as City Attorney, and Robert M. Searls, as special counsel associated with said City Attorney in the prosecution of said action be, and they are hereby authorized to cause said action to be dismissed and to dismiss the same, as far as said defendant, Stephen E. Kieffer is concerned and not otherwise.

and by the adoption of the following:-

RESOLUTION NO. 599

WHEREAS, the City of Lodi has brought and there is now pending an action in the Superior Court of the State of California, in and for the County of Calaveras against East Bay Municipal Utility District, a corporation and others;

AND WHEREAS, one Stephen E. Kieffer is a party defendant in said action and whereas it appears that applications of said Stephen E. Kieffer filed with California Division of Water Rights, to divert waters from the Mokelumne River have been dismissed, and it does not appear that there is any further necessity of continuing said action as against said Kieffer;

NOW THEREFORE, BE IT RESOLVED, that Glenn West as City Attorney and Robert M. Searls as special counsel associated with said City Attorney in the prosecution of said action, be and they are hereby authorized to cause said action to be dismissed and to dismiss the same as far as said defendant Stephen E. Kieffer is concerned and not otherwise.

The foregoing Resolutions numbered 598 and 599 were thereupon adopted by the following vote:-

AYES: Councilmen, Shattuck, Weihe, Hale, Roach & Spooner.

NOES: Councilmen, None. ABSENT: None.

It having been brought to the attention of the City Council that the activities of certain persons operating a gold dredger near the old town-site of Lancha Plana were causing great amounts of silt and other detritus to be discharged into the Mokelumne River whereby its waters were polluted and made unfit for use as well as unsightly and that the local Chamber of Commerce had made protest against these evil practices without notable effect, the following resolution was introduced and adopted by unanimous vote of the City Council:-

RESOLUTION NO. 600

BE IT RESOLVED, that, Whereas a certain company or parties are operating a dredger on or near the Mokelumne River at the old town of Lancha Plana and are dumping the refuse and debris from the same into the Mokelumne River, and, whereas, by reason of the premises the waters of the Mokelumne River are badly polluted from silt, mud and debris from said dredger;

AND, WHEREAS, it appears that the pollution of said stream is causing great damage to alfalfa and other crops irrigated by the waters of said stream; and whereas the continuation of said practice may seal the percolating channels of said river and thereby cause great and irreparable damage and materially affect the underground water table in the City of Lodi and vicinity;

RESOLVED, that the City of Lodi hereby protests against the continuance of said practices, pollution of said river and against the dumping of any debris, silt or refuse of any kind in any stream;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the California Fish & Game Commission, California Board of Public Works, The Debris Commission and to California State Reclamation Service with request that the proper steps be taken to stop said practice of polluting the waters of said stream;

BE IT FURTHER RESOLVED, that the Lodi District Chamber of Commerce be commended for the stand it has taken in the above matter; that said Lodi District Chamber of Commerce be urged to continue its activities to the end that the pollution of said stream be stopped and that a copy of this Resolution be sent to Lodi District Chamber of Commerce.

Adopted by the assenting votes of Councilmen Roach, Shattuck, Hal, Weihe and Spooner.

An ordinance proposing the licensing of dealers in ice, feeds and fuels was discussed but not introduced, the same being laid over for further investigation.

The City Attorney reported the receipt, through Mr Robert M. Searls, of a letter from Mr Paul Bailey, Civil Engineer, lately with the California State Division of Water Rights, offering his expert services in the determining of the effect of waters of the Mokelumne River on percolating waters supplying this City. Mr Bailey was retained as consulting engineer by the passage of

RESOLUTION NO. 601

WHEREAS, the City of Lodi has commenced an action in the Superior Court of the State of California in and for the County of San Joaquin against East Bay Municipal Utility District and others for the purpose of restraining defendants therein named from diverting waters from the Mokelumne River and for the purpose of protecting the underground water supply of said City;

AND WHEREAS, the City Council of the City of Lodi has received a letter from Paul Bailey, Civil Engineer, a copy of which letter is hereunto affixed, marked EXHIBIT A and made part hereof;

AND WHEREAS, it is the desire of said City Council to employ said Paul Bailey as one of its engineers for the purpose of making a study of the underground water conditions in said City of Lodi and vicinity and for the purpose of furnishing the necessary report or reports and evidence as referred to in said letter;

NOW THEREFORE, BE IT RESOLVED, that said City of Lodi does hereby employ said Paul Bailey, pursuant to the terms and conditions set out in said letter as one of its engineers for the purpose of studying underground water conditions and all available data and for the purpose of making report or reports and furnishing the evidence set out and contemplated in said letter;

BE IT FURTHER RESOLVED, that the said Paul Bailey is hereby authorized on behalf of said City to collect and analyze the information which has heretofore been collected, and determine the extent of new field work which will be required as mentioned and contemplated in items "1" and "2" on page one of said letter.

BE IT FURTHER RESOLVED, that said City pay said Paul Bailey for making such study of existing data and preliminary report the sum of \$ 500.00 and that the same be paid out of any moneys in the Treasury of the City which may be available for that purpose, the sum of \$ 250.00 thereof to be paid forthwith as a retainer and the balance, to-wit, the sum of \$ 250.00 upon the presentation of said preliminary report.

BE IT FURTHER RESOLVED, that the Mayor of this City is hereby ordered to draw a warrant upon the Treasury of said City for the first payment of \$250.00 and that the same be paid out of any moneys available for that purpose;

BE IT FURTHER RESOLVED, that any further or additional work after said preliminary report shall have been completed and presented as contemplated in and by said letter, shall be done by said Paul Bailey, working with other engineers employed by said City for which the said Paul Bailey shall be paid at the rate of \$75.00 per day and expenses based upon the time employed in performing such additional work, no additional work to be done unless the same be authorized and approved by City Attorney Glenn West and Robert M. Searls, Attorneys representing said City in said suit.

The foregoing Resolution No. 601 was thereupon passed and adopted by the following vote:-

AYES: Councilmen, Weihe, Shattuck, Roach and Spooner
NOCES: Councilman, Hale.
ABSENT: Councilmen, None, .

No further business appearing, the City Council adjourned at 12.10 o'clock A.M. of Tuesday, October 8th., 1929 to meet again at the date and hour of their next regular meeting.

Attest: 
City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi were read and approved without correction or alteration at a subsequent meeting of the said City Council held Monday, October 21st., 1929.


Mayor of the City of Lodi.

Oct. 21, 1929.